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ELIA RODRIGUEZ, an individual,

Plaintiff,

vs.

TVI, INC. D/B/A SAVERS; a Foreign
Corporation; GOLD STAR VENTURE, LLC,
a Foreign Limited-Liability Company; DOE
INDIVIDUALS 1-10 and ROE
CORPORATIONS/ENTITIES 1-10, inclusive,

Defendants.

Case No. 2:22-cv-01910-ART-BNW

**STIPULATION TO EXTEND DISCOVER
AND DISCLOSURE DEADLINES****(SECOND REQUEST)**

Pursuant to Local Rules IA 6-1 and 26-3 Plaintiff and Defendant, by and through undersigned counsel, stipulate as follows:

The court has previously granted one extension of the Scheduling Order deadlines.

This is the second stipulation to extend the Scheduling Order Deadlines.

The Discovery and Disclosure Deadlines may be extended as follows:

I. PROPOSED NEW DEADLINES:

<u>Event</u>	<u>Current Deadline</u>	<u>Proposed New Deadline</u>
Joint Pretrial Order	January 11, 2024	April 10, 2024
Dispositive Motion	December 12, 2023	March 11, 2024

Deadline		
Discovery Cut-Off Date	<u>November 12, 2023</u>	<u>February 12, 2024</u>
Rebuttal Expert Disclosure	October 14, 2023	January 12, 2024
Initial Expert Disclosure	September 13, 2023	December 12, 2023
Amendment of Pleadings	August 15, 2023	November 13, 2023

II. STATEMENT OF DISCLOSURE AND DISCOVERY COMPLETED

The parties have completed the following discovery:

1. Plaintiff has submitted the following disclosures:

- a. Initial Disclosures – 12/16/22
- b. First Supplemental Disclosure – 12/21/22
- c. Second Supplemental Disclosure – 1/30/23
- d. Third Supplemental Disclosure – 3/23/23
- e. Fourth Supplemental Disclosure – 3/24/23
- f. Fifth Supplemental Disclosure – April 18, 2023
- g. Sixth Supplemental Disclosure – April 18, 2023
- h. Seventh Supplemental Disclosure – May 26, 2023
- i. Eighth Supplemental Disclosure – July 18, 2023

2. Defendant has submitted the following disclosures:

- a. Initial Disclosures – 12/28/22
- b. First Supplemental Disclosure – April 17, 2023

3. Plaintiff has responded to the following discovery requests:

- a. Defendant's First Request for Production of Documents
 - i. Including First Supplemental Response

b. Defendant's First Set of Interrogatories.

c. Defendant's First Set of Requests for Admission.

4. Defendant has deposed Plaintiff.

5. The parties have conducted a Rule 34 inspection of the subject property with the parties' respective experts in attendance.

6. Defendant notes that there may be some discovery disputes pertaining to Plaintiff's responses that may require motion practice.

7. Defendant responded to the following discovery request:

a. Plaintiff's First Request for Production of Documents – 4/24/2023.

b. Plaintiff's First Set of Interrogatories – 4/24/2023.

III. DESCRIPTION OF THE DISCOVERY THAT REMAINS TO BE COMPLETED

The following discovery needs to be completed:

1. Deposition of Defendant manager.

2. Rule 30(b)(6) deposition of Defendant.

3. Deposition of Defendant's employees. There are at least four employees that were present at the store at the time of the alleged incident. In addition, there are other employees that Plaintiff *and* Defendant may want to depose.

4. Deposition of percipient witness Lupe Gonzalez.

5. Deposition of Plaintiff's treating physicians.

6. Depositions of Plaintiff's cost of care witnesses.

7. Depositions of Plaintiff's disclosed treating physicians.

a. Defendant would note that Plaintiff has currently disclosed 6 treating physicians as witnesses. Defendant is trying to ascertain which treating physicians need to be deposed.

8. Depositions of Plaintiff's expert witnesses.
9. Depositions of Defendant's expert witnesses.
10. Defendant continues to gather records pertaining to Plaintiff's prior accidents.
11. Depositions of physicians that treated Plaintiff for prior accident injuries (possible).

IV. REASONS WHY THE DEADLINES WERE NOT SATISFIED OR THE REMAINING DISCOVERY WAS NOT COMPLETED WITHIN THE TIME LIMITS SET BY THE DISCOVERY PLAN

The parties anticipate that they will not be able to comply with the current deadlines for the following reasons:

1. Counsels' respective schedules, treating physicians' respective schedules and the parties' experts' respective schedules are impacting the scheduling and conducting of depositions, in particular during the summer months.
2. The schedules of the parties' respective experts caused delays with conducting the Rule 34 subject property inspection.
3. Plaintiff underwent surgery which delayed her deposition.
4. There were a number of additional accidents involving the Plaintiff which required collection of records from multiple entities in order for the parties to investigate the relatedness of any treatment to the injuries claimed in this case.
5. The parties are having difficulty contacting percipient witness Lupe Gonzalez who is a critical witness for both parties regarding the subject incident. Additional time is needed to make contact with Ms. Gonzalez and conduct Ms. Gonzalez' deposition.
6. There are some discovery dispute issues that may need to be addressed by the court.

V. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY

The parties proposed the following schedule for completing all remaining discovery:

<u>Event</u>	<u>Current Deadline</u>	<u>Proposed New Deadline</u>
Joint Pretrial Order	January 11, 2024	April 10, 2024
Dispositive Motion Deadline	December 12, 2023	March 11, 2024
Discovery Cut-Off Date	<u>November 12, 2023</u>	<u>February 12, 2024</u>
Rebuttal Expert Disclosure	October 14, 2023	January 12, 2024
Initial Expert Disclosure	September 13, 2023	December 12, 2023
Amendment of Pleadings	August 15, 2023	November 13, 2023

DATED this 21st day of July 2023.

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DATED this 21st day of July 2023.

THE COTTLE FIRM

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ORDER

IT IS ORDERED that ECF No. 25 is GRANTED.

If dispositive motions are filed, IT IS FURTHER ORDERED that the Joint Pretrial Order shall be due 30 days after a decision on the dispositive motions is issued.

IT IS SO ORDERED

DATED: 2:37 pm, July 24, 2023



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE